

EXHIBIT 3

1 TOBIAS FIESER - MAY 9, 2019
 2 UNITED STATES DISTRICT COURT
 3 WESTERN DISTRICT OF WASHINGTON

4 STRIKE 3 HOLDINGS, LLC, a)
 5 Delaware corporation,)
 6 Plaintiff,)
 7 vs.) No. 2:17-cv-01731-TSZ
 8 JOHN DOE, subscriber)
 assigned IP address)
 9 73.225.38.130,)
 10 Defendant.)
 11 _____)
 12 JOHN DOE, subscriber)
 assigned IP address)
 13 73.225.38.130)
 14 Counterclaimant,)
 15 vs.)
 16 STRIKE 3 HOLDINGS, LLC)
 17 Counterdefendant.)
 18 _____)

19 DEPOSITION OF TOBIAS FIESER, VOL. II (via Skype)
 20 Hillsboro, Oregon
 21 Thursday, May 9, 2019

22
 23 Reported by:
 24 MARLA SHARP, RPR, CCRR, OR CSR 17-0446, CA CSR 11924
 25 JOB NO. 160573

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2 A Yes.

3 Q And when do you get requests for PCAPs?

4 A Then what? What is the question?

5 Q When do you get a request for PCAP?

6 A When? When they ask me. It's not on a
7 regular basis, no.

8 Q Well, who asks you for the PCAP?

9 A Emily or Sid. They are different, but one
10 of them.

11 Q So Emily or Sid asks you for a PCAP?

12 A Yes.

13 MR. ATKIN: Curtis, can you just repeat
14 that last question? I got a leaf blower outside.
15 This is my fault.

16 MR. EDMONDSON: No, it's okay.

17 BY MR. EDMONDSON:

18 Q I just said, so Emily or Sid then asks you
19 for a PCAP?

20 A Yes.

21 Q And does Emily or Sid ask you for a PCAP on
22 the same date that you sign your declaration?

23 A They don't send a request with the
24 declaration, no.

25 Q Do you ever get a request for a PCAP from

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2 anybody but Emily or Sid?

3 A No. That -- not that I can remember.

4 Sorry.

5 Q How do you locate the proper PCAP to send
6 Emily or Sid?

7 A They are stored with an ID and a IP address
8 at the end and they are saved in date folders so I
9 can address them via the folder and the file name.

10 Q When you extract the PCAP, do you create a
11 hash to verify that it isn't altered when it's sent
12 to somebody else? Let me --

13 A I don't get the question. Rephrase --

14 Q Yeah. Let me rephrase that.

15 A -- please.

16 Q Let me rephrase.

17 So the PCAP data can be viewed with
18 Wireshark, correct?

19 A Correct.

20 Q And is there anything to prevent you from
21 using a hex editor to alter the contents of that
22 PCAP data?

23 A We have the PCAP files saved, and we can --
24 what's the English word? -- we can -- we have saved
25 the original PCAP file on one tape. This tape can

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2 my e-mail account open, yes.

3 Q How hard would it be for you to look up
4 Jack's full name?

5 A Just a second.

6 Vidovich.

7 Q How do you spell it?

8 A V-i-d-o-v-i-c-h.

9 Q Okay. Jack Vidovich.

10 A Right.

11 Q And you referred to a Sid.

12 Do you know Sid's last name?

13 A I don't -- Sid is only his nickname. Just

14 a second. So his real name is -- I spell it. I

15 can't pronounce it correctly. So the name is

16 S-u-d-h-a-n-s-u. And the last name is S-i-n-g-h.

17 Q Can you say the first name -- spell that

18 again? I didn't catch it.

19 A Spell it completely once again?

20 Q Yes, please.

21 A S-u-d-h-a-n-s-u.

22 Q And have you ever spoken to Mr. Singh?

23 A To who?

24 Q Sid.

25 A Via e-mail.

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2 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

3
4 I, Marla Sharp, a certified shorthand
5 reporter in the state of Oregon, hereby certify:


6 That the foregoing deposition of
7 TOBIAS FIESER (via Skype) was taken before me on
8 May 9, 2019, at which time the witness was duly
9 sworn by me;

10 That the testimony of the witness and all
11 colloquy and objections made at the time of the
12 deposition were recorded stenographically by me and
13 thereafter transcribed, said transcript being a true
14 copy of my shorthand notes thereof;

15 That review of the transcript was
16 requested before completion of the deposition;
17 () that the witness has failed or refused to
18 approve the transcript.

19 I further certify I am neither financially
20 interested in the action nor a relative or employee
21 of any attorney of any of the parties.

22 In witness whereof, I have subscribed my
23 name and signature this date, May 21, 2019.

24 
25 Marla Sharp, RPR, CLR, CCRR,
OR CSR 17-0446, CA CSR 11924

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